

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Erik Becerra,

Case No. 22-cv-2065 (WMW/LIB)

Petitioner,

v.

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION**

United States of America; FMC Rochester
Prison Officials, Staff; Johnson; Rovelstad;
Hart and Tweeten,

Respondents.

Before the Court is United States Magistrate Judge Leo I. Brisbois’s September 16, 2022 Report and Recommendation (R&R). (Dkt. 5.) The R&R recommends denying Petitioner Erik Becerra’s petition for a writ of habeas corpus and dismissing this matter without prejudice. Becerra filed timely objections to the R&R, and Respondents filed a response opposing Becerra’s objections.

A district court reviews *de novo* those portions of an R&R to which timely objections are filed and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). However, an objection to an R&R must specify the nature of the objections and provide a basis for those objections. *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015). In the absence of specific objections, *de novo* review is not required, and a district court reviews the R&R for clear error. *See id.* (observing that objections to an R&R that “are not specific but merely repeat arguments

presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error”). Because Becerra is proceeding *pro se*, the Court construes his objections liberally. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

In his objections, Becerra makes general arguments that are largely duplicative of those in his initial habeas petition challenging his conviction, his subsequent civil detention and the alleged practice of forceable medication at the Federal Medical Center in Rochester, Minnesota. Although Becerra asserts that he is challenging the findings and conclusions in the R&R, he presents no arguments as to why any of the findings or conclusions in the R&R are incorrect. Even construed liberally, Becerra’s objections lack sufficient specificity and, therefore, this Court reviews the R&R for clear error. *See Montgomery*, 98 F. Supp. 3d at 1017. Having reviewed the R&R, the Court finds no clear error. Accordingly, the Court overrules Becerra’s objections, adopts the R&R and dismisses this action without prejudice.

ORDER

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner Erik Becerra’s objections, (Dkt. 6), are **OVERRULED**.
2. The September 16, 2022 Report and Recommendation, (Dkt. 5), is **ADOPTED**.

3. Petitioner Erik Becerra's petition for a writ of habeas corpus, (Dkt. 1), is **DENIED**.

4. This matter is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 21, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge